

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

COMMUNITY ASSOCIATION FOR
RESTORATION OF THE
ENVIRONMENT, INC., a Washington
Non-Profit Corporation; and CENTER
FOR FOOD SAFETY, INC., a
Washington, D.C. Non-Profit
Corporation,

Plaintiffs,

v.

GEORGE & MARGARET, LLC, a
Washington Limited Liability
Company; and GEORGE DERUYTER
& SON DAIRY, LLC, a Washington
Limited Liability Company,

Defendants.

---AND---

v.

D & A DAIRY, a Washington
Partnership; and D & A DAIRY, LLC,
a Washington Limited Liability
Company,

Defendants.

NO: 13-CV-3017-TOR

ORDER GRANTING STIPULATED
MOTION TO CONSOLIDATE CASES

NO: 13-CV-3018-TOR

1 BEFORE THE COURT is the parties' Stipulated Motion to Consolidate
2 (ECF No. 95 in 2:13-CV-3018-TOR). This matter was submitted for consideration
3 without oral argument. The Court has reviewed the briefing and the record and
4 files herein, and is fully informed.

5 Pursuant to Fed. R. Civ. P. 42(a), the parties move the Court for entry of an
6 order consolidating the case *CARE, et al. v. D & A Dairy, et al.*, 2:13-CV-3018-
7 TOR, with *CARE, et al. v. George & Margaret, LLC, et al.*, 2:13-CV-3017-TOR.
8 ECF No. 95 at 2. The parties agree that the commonalities of entities involved,
9 similarities of claims and defenses presented, and the interests of efficiency and
10 conservation of judicial resources render these cases appropriate for consolidation,
11 and that no party will be prejudiced by it.

12 Under the Federal Rule of Civil Procedure governing consolidation, "[i]f
13 actions before the court involve a common question of law or fact, the court may:
14 (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate
15 the actions; or (3) issue any other orders to avoid unnecessary cost or delay." Fed.
16 R. Civ. P. 42(a). "The district court has broad discretion under this rule to
17 consolidate cases pending in the same district." *Investors Research Co. v. U.S.*
18 *Dist. Court for Cent. Dist. of California*, 877 F.2d 777 (9th Cir. 1989).

19 Here, consolidation is appropriate because of the parties' stipulation and the
20 similarity of common legal and factual questions. The parties in both actions are

1 engaged in litigation under the RCRA and have raised nearly identical claims and
2 defenses. Plaintiffs are the same in both actions, and Defendants are closely
3 related; D & Dairy, LLC, operates both dairy facilities, and George & Margaret,
4 LLC, owns real property associated with both facilities. ECF No. 95 at 5.
5 Additionally, both facilities share manure management practices, and manure from
6 both facilities is intermixed for land application. *Id.* Thus, the cases' common
7 questions of law and fact make them appropriate for consolidation.

8 **ACCORDINGLY, IT IS HEREBY ORDERED:**

9 1. The parties' Stipulated Motion to Consolidate (ECF No. 95) is

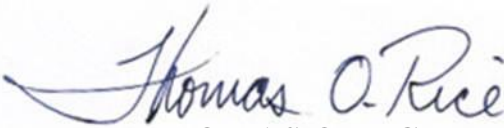
10 **GRANTED.**

11 2. The cases *CARE, et al. v. D & A Dairy, et al.*, 2:13-CV-3018-TOR, and
12 *CARE, et al. v. George & Margaret, LLC, et al.*, 2:13-CV-3017-TOR, are
13 CONSOLIDATED as 2:13-CV-3017-TOR. No further filings shall be
14 made in 2:13-CV-3018, which file shall be administratively closed, while
15 the pleadings therein maintain their legal relevance.

16 The District Court Executive is hereby directed to enter this Order, provide
17 copies to counsel, and **CLOSE 2:13-CV-3018.**

18 **DATED** May 23, 2014.




THOMAS O. RICE
United States District Judge